



Trust Council Minutes of Regular Meeting

- Date:** March 7-9, 2023
- Location:** Coast Bastion Hotel - Ballroom
11 Bastion Street, Nanaimo, British Columbia
- Executive Present:**
1. Peter Luckham, Chair, Thetis
 2. David Maude, Vice-Chair, Mayne
 3. Tim Peterson, Vice-Chair, Lasqueti
 4. Tobi Elliott, Vice-Chair, Gabriola
- Trustees Present:**
5. Deb Morrison, North Pender
 6. Joe Bernardo, Gambier/Keats
 7. Aaron Campbell, North Pender
 8. Grant Scott, Hornby
 9. Susan Yates, Gabriola
 10. Dag Falck, South Pender
 11. Ben Maberley, Galiano
 12. Jeanine Dodds, Mayne (periodically attended electronically)
 13. Alex Allen, Hornby
 14. Sam Borthwick, Denman
 15. Ken Hunter, Thetis
 16. Mikaila Lironi, Lasqueti
 17. Lisa Gauvreau, Galiano
 18. Judith Gedye, Bowen Municipal
 19. Kristina Evans, South Pender
 20. Laura Patrick, Salt Spring
 21. Jamie Harris, Salt Spring
 22. Mairead Boland, Saturna
 23. Kate Louise Stamford, Gambier
 24. Sue Ellen Fast, Bowen Municipal
 25. Lee Middleton, Saturna
 26. David Graham, Denman (attended electronically)
- Staff Present:**
- Russ Hotsenpiller, Chief Administrative Officer
David Marlor, Director, Legislative Services
Clare Frater, Director, Trust Area Services
Julia Mobbs, Director, Administrative Services
Stefan Cermak, Director, Planning Services
Lori Foster, Executive Coordinator/Recorder

Tuesday, March 7, 2023

The in-person meeting was recorded, livestreamed and made available for electronic attendance. It was noted there were 80 live stream views from 1:00 p.m. to 5:30 p.m.

1. CALL TO ORDER / LAND ACKNOWLEDGEMENT

Chair Luckham opened the meeting stating his pleasure and honor to be holding the meeting on Snuneymuxw First Nation's territory and, that we all live broadly on Coast Salish territory. He thanked staff for their work then invited each member of Trust Council to introduce themselves roundtable where many gave land acknowledgments pertinent to their local trust areas.

Elder Lolly's, Snuneymuxw First Nation's welcome was delayed, see after item 3.2.

2. APPROVAL OF AGENDA

Chair Luckham noted new information regarding item 4.2.2., "Trust Council 2023 On Island Meetings" that, a June in-person meeting is now available which would have budget implications and to defer this to item 7.2.4. Budget Changes.

Trustee Scott requested to show a newly released video titled, "The Silver Highway" regarding the herring migration in the Hornby Island Local Trust Area. Chair Luckham suggested it could be shown Wednesday evening.

By general consent, the agenda was adopted as presented.

3. GENERAL BUSINESS ARISING

3.1 Consent Agenda Items

Trustee Morrison requested a status update on Chief Administrative Officer (CAO) Hotsenpiller's FUAL item #1 at 3.1.3 Trust Council Follow-up Action List re: approaching the Province of BC to request additional funding.

Chief Administrative Officer (CAO) Hotsenpiller responded, this item continues to be pursued.

By general consent, Islands Trust Council adopted the recommendations as presented in items 3.1.1 to 3.1.3.

3.1.1 November 2022 Trust Council draft meeting minutes
The minutes be adopted as presented.

3.1.2 December 2022 Trust Council draft meeting minutes
The minutes be adopted as presented.

3.1.3 Trust Council Follow-up Action List
Receive for information.

3.2 Discussion / Decision Items

3.2.1 Trustee Roundtable

Each trustee gave a verbal update about their local trust area committee meetings and advocacy work.

Chair Luckham asked trustees to provide email feedback regarding how valuable the “trustee roundtable” session is or would they like a more topic focused session rather than “local business”.

The meeting recessed for a break at 2:18 p.m. and reconvened at 2:22 p.m.

When the meeting reconvened, Chair Luckham welcomed Elder Lolly of Snuneymuxw First Nation thanking her for joining Trust Council on short notice.

Elder Lolly greeted Trust Council, ['uy' skweyul, uy kwunus 'i' lum'namu](#) (good day, it is good to see you). Elder Lolly offered blessings then, engaging with instruments handed out earlier, everyone sang a song called *'Uy' Skweyul* as taught by Elder Lolly.

Chair Luckham thanked Elder Lolly for bringing her leadership to Trust Council.

4. EXECUTIVE

4.1 Consent Agenda Items

Item 4.1.1 was pulled for discussion regarding the coordination and implementation of the Strategic Plan which does not appear on Executive Committee’s work program.

CAO Hotsenpiller spoke to strategic planning in 4.2.1; that Executive Committee is aware it needs to address this conversation; however, the Governance Committee is currently steering a review of these functions - corporate and strategic planning – as well as values questions.

By general consent, Islands Trust Council adopted the recommendation as presented in item 4.1.1.

4.1.1 [Executive Committee Work Program Report](#)
That Trust Council approve the report as presented.

4.2 Discussion / Decision Items

4.2.1 [Chief Administrative Officer's Report](#)

Chief Administrative Officer (CAO) Hotsenpiller spoke to his report and updated Trust Council regarding:

- Chair training for all standing committees, setting a date and consideration of vice-chair attendance,
- Surveying trustees about the ongoing education process; June’s Trust Council meeting to have survey results, consideration regarding “how” learning is delivered,
- Scheduling a special electronic Trust Council meeting to consider a draft protocol agreement between Snaw’naw’as/Nanoose First Nation and Lasqueti Island Local Trust Committee (LTC) is pending.

4.2.2 Trust Council 2023 on Island Meetings – BRF

Item 4.2.2 was deferred to item 7.2.4 Budget Changes pending new information regarding availability of a location on Gabriola for Trust Council’s June meeting.

4.2.3 Revision of Sunshine Coast Regional District Funding Support Letter - RFD

Director of Planning Services (DPS) Cermak answered trustee questions regarding the request for support letter.

Discussion ensued on jurisdictional grant funding; grant funding available to the Islands Trust via Union of British Columbia Municipalities (UBCM) requirements and administrative processes regarding grants.

Discussion to remove the words from the recommendation in the request for decision (RFD) report “on behalf of the Islands Trust” ensued.

TC-2023-001

It was Moved by Trustee Stamford and Seconded by Trustee Bernardo,

That the Islands Trust Council request staff to write a letter of support under the Chair’s signature stating that the Islands Trust Council supports the Sunshine Coast Regional District applying for, receiving, and managing the 2022 Community Emergency Preparedness – Disaster Risk Reduction-Climate Adaption Grant.

CARRIED

The meeting recessed for a break at 3:08 p.m. and reconvened 3:15 p.m.

4.2.4 Council Committee System Policy Update and Consolidation - RFD

Director of Legislative Services (DLS) Marlor spoke to the request for decision (RFD) which intends to consolidate standing committee terms of references and include a Governance Committee member on the Financial Planning Committee.

TC-2023-002

It was Moved by Trustee Gedye and Seconded by Trustee Peterson,

That Trust Council adopt the revised Trust Council Policy 2.3.1 [Council Committee System and Terms of References] dated March 7, 2023 that adds Governance Committee membership to the Financial Planning Committee, includes the terms of reference for all council committees and removes reference to the Executive Committee; and further move

That Trust Council rescind policies 2.3.2 [Regional Planning Committee Terms of Reference], 2.3.3 [Financial Planning Committee Terms of Reference], 2.3.4 [Trust Programs Committee Terms of Reference], and 2.3.5 (Governance Committee Terms of Reference).

CARRIED

4.2.5 Establishment of an Accessibility Committee – RFD

Director of Legislative Services (DLS) Marlor spoke to the request for decision, that the operating budget or this committee is proposed at \$2,500 and the committee could require a consultant to write a plan.

Trustees recommended the following minor changes to the policy as presented in the agenda package:

- Page 74 of the agenda package, (page 2 of the attachment) proposed section 1.1.8 as highlighted in yellow item 6. add the words “people with a disability” after the words “or support”,
- Page 73 of the agenda package, section 1.1.1., replace the word “four” with “five”,
- Page 74, section 1.1.2., add to the end, “and ratified by Trust Council.”,
- Section 1.1.3 replace the words, “by the March Trust Council” with “no later than the March Trust Council”,
- Section 1.1.8.
 - Item 1. after the words “with disabilities” add “or who have a disability”,
 - Item 2. Add “at least one person and” before the words “up to 3”.

The following discussions regarding substantive changes to the proposed policy ensued:

- The number of Trust Council members actually on the committee should be less,
- Section 1.1.9, for consistency, add to the end, “Trust Council will ratify the appointments under section 1.1.8 items 1, 2 and 3.”
- Section 1.1.8, items 1, 2, 3 and 4 prefaced with “up to” could be interpreted as zero and should be changed to read “ a minimum of one and up to four”,
- Section 1.1.8, item 2 the number of Indigenous participants should not have a cap,
- Clarification on “organizations that support people with disabilities” and vetting of organizations requested,
- Interpretation of the new legislation.

TC-2023-003

It was Moved by Trustee Morrison and Seconded by Trustee Peterson,

That Trust Council request interested trustees to work with Director of Legislative Services Marlor to provide input and revision to the draft Accessibility Committee terms of reference and bring it back to the June Trust Council.

CARRIED

DLS Marlor will send an email to all trustees requesting further input from those interested.

4.2.6 Financial Planning Committee Membership - RFD

DLS Marlor spoke to the request for decision.

Discussion ensued that the wording “to ensure the Committee represents all 16 bodies of Trust Council” be removed from the recommendation as written.

TC-2023-004

It was Moved by Trustee Peterson and Seconded by Trustee Gedye,

That Trust Council ask the Governance Committee to review the current method of appointment and the make-up of membership for Trust Council standing committees.

CARRIED

4.2.7 Minister Cullen response re: Provincial Review request letter dated September 23, 2022 – BRF

Trust Council discussed a further response to the minister.

TC-2023-005

It was Moved by Trustee Elliott and Seconded by Trustee Yates,

That Trust Council direct Executive Committee to work with staff on a coordinated strategy and prepare a request that the province revisit the provincial grant funding formula to the Islands Trust in light of its mandate and in light of the pressing needs of affordable housing, climate change and reconciliation with First Nations in the Trust Area.

TC-2023-006

It was Moved by Trustee Scott and Seconded by Trustee Campbell,

That **TC-2023-005** be amended as follows: after “in light of the pressing needs of” delete and replace with “increased responsibilities for reconciliation with First Nations in the Trust Area, climate change and affordable housing.”

CARRIED

TC-2023-005 as amended by TC-2023-006 to read as follows:

That Trust Council direct Executive Committee to work with staff on a coordinated strategy and prepare a request that the Province revisit the provincial grant funding formula to the Islands Trust in light of its mandate and increased responsibilities for reconciliation with First Nations in the Trust Area, climate change and affordable housing.

TC-2023-007

It was Moved by Trustee Boland and Seconded by Trustee Harris,

Amend **the above motion** by removing “in light of its mandate and increased responsibilities for reconciliation with First Nations in the Trust Area, climate change and affordable housing.”

CARRIED

Chair Luckham called the question on **TC-2023-005 as amended by 006 and 007.**

That Trust Council direct Executive Committee to work with staff on a coordinated strategy and prepare a request that the Province revisit the provincial grant funding formula to the Islands Trust.

CARRIED

Trust Council discussed updating the recently appointed Minister of Municipal Affairs, Anne Kang regarding revisiting a review of Islands Trust.

TC-2023-008

It was Moved by Trustee Boland and Seconded by Trustee Dodds,

That Trust Council respond to Minister Kang to the effect that Trust Council will revisit the request for a review of Islands Trust mandate, governance and structure, at September Trust Council and provide the minister with an update.

CARRIED

4.2.8 Governance Committee Chair Report

Chair of the Governance Committee, Municipal Trustee Gedye reported that the committee's work is in progress as presented in the attached report.

5. TRUST AREA SERVICES

5.1 Consent Agenda Items

Items 5.1.1 and 5.1.4 were pulled for discussion as noted.

By general consent, Islands Trust Council adopted the recommendations as presented in items 5.1.1. to 5.1.4.

5.1.1 Director of Trust Area Services (DTAS) Report

DTAS Frater gave a staffing update on the hiring of a Communications Specialist and Senior Indigenous Policy Advisor.

Received for information.

5.1.2 Trust Programs Committee Work Program Report

Trust Council approved the report as presented.

5.1.3 Islands Trust Conservancy Report 3rd and 4th Quarters 2022-2023

Received for information.

5.1.4 Legislative Monitoring Report, February 2023 - BRF

DTAS Frater responded that the frequency of providing this report every six months is under the current direction of Trust Council.

Received for information.

The meeting recessed for a break at 5:30 p.m. and reconvened at 7:00 p.m.

6. ENGAGEMENT / COLLABORATION

It was noted there were 137 live stream views during the delegations and public comments session with approximately 11 electronic attendees and 4 members of the public in-person.

At 7:00 p.m., Chair Luckham reconvened the meeting and trustees introduced themselves roundtable. First Nations land acknowledgements were given by many trustees representing their various local trust areas.

6.1 Delegations

The following delegations addressed Trust Council as published in the agenda package.

- 6.1.1 Gulf Islands Alliance re: Climate Emergency and Biodiversity Collapse
- 6.1.2 Raincoast Conservation Foundation re: Adopt Goals in Montreal Pledge
- 6.1.3 David Dunnison re: Valid Invalid Information
Addressed Trust Council in-person in Nanaimo.
- 6.1.4 Maxine Leichter re: Bylaw enforcement procedures Policy 5.5.1 being more effective and transparent
- 6.1.5 Riane da Silva re: How the Islands Trust and Bylaw Enforcement Violate the Human Right to Housing
Addressed Trust Council in-person in Nanaimo.
- 6.1.6 Eric Booth re: Application processing
- 6.1.7 Michael Sketch re: On a positive obligation give by the Act....
Addressed Trust Council in-person in Nanaimo

6.2 Public Comments

Approximately 10 members of the public were present electronically and three in-person.

The following members of the public addressed Trust Council as noted:

Elizabeth White, Salt Spring Island, spoke in opposition to Trustee Harris's request for decision (item 14.1 of the agenda). She urged council to vote no if the recommendation is put on the table.

Bob McKenchie and Don Elkington, Gabriola Island, spoke to a lack of consultation by NAV Canada's proposed flight path changes affecting Gabriola and other islands in the Trust Area requesting Trust Council follow the City of Port Moody's initiative in writing a formal response of opposition.

Jennifer Margison, Galiano Island, spoke to the trucking of fresh water to the islands as presented in her correspondence circulated as a late item and received at 12.9. in the merged agenda package.

Mary Beth Rondeau, North Pender Island, addressed the validity of science regarding mapping the Coastal Douglas-fir zone in the Trust Area.

Trustees Yates and Elliott left the meeting at 9:44 p.m.

By general consent, at 9:47 p.m., the meeting was recessed for the evening.

Wednesday, March 8, 2023

At 9:01 a.m., Chair Luckham called the meeting to order. All trustees were present. Trustee Graham attended electronically.

No members of the public were present electronically. It was reported there were 163 live stream views on March 8.

7. ADMINISTRATIVE SERVICES / FINANCE

7.1 Consent Agenda Items

By general consent, Islands Trust Council adopted the recommendations as presented in items 7.1.1 to 7.1.4.

7.1.1 Director of Administrative Services Report

Receive for information.

7.1.2 Financial Planning Committee Work Program Report

That Trust Council approve the report as presented.

7.1.3 Q3 Financial Report to December 31, 2022 - RFD

That Trust Council approve the December 31, 2022 financial report.

7.1.4 Financial Forecast as at December 31, 2022

Received for information.

7.2 Discussion / Decision Items

Chair of the Financial Planning Committee (FPC), Bernardo, spoke to the proposed budget on behalf of the work of FPC.

7.2.1 March 2023 Islands Trust Council 2023/24 Proposed Budget - Session Outline

Received for information as presented.

7.2.2 2023/24 Draft Budget Assumptions and Principles – BRF

Director of Administrative Services (DAS) Mobbs reviewed the briefing as presented and answered trustee questions.

7.2.3 Draft 2023/24 Budget Overview – BRF

DAS Mobbs reviewed the briefing as presented and answered trustee questions.

7.2.4 Financial Planning Committee (FPC) Budget Changes – BRF

Trust Council discussed item 4.2.2 Trust Council 2023 on-island meeting sin consideration of amending the budget to include funds for a June Trust Council in-person meeting, that space is now available on Gabriola Island at the Haven.

The briefing was received for information.

7.2.5 Budget Numeric Detail

Received for information.

7.2.6 Surplus Funds Allocation

DAS Mobbs answered questions regarding surplus funds allocation.

7.2.7 Business Case Summaries

Trust Council discussed the business case summaries as presented.

The meeting recessed for a break at 11:05 a.m. and reconvened at 11:21 a.m.

Discussion ensued on the budget requests as presented.

7.2.8 Strategic Plan Projects - Budget Requests

Received for information.

7.2.9 Local Trust Committee (LTC) Projects - Budget Requests and Feasibility

Received for information.

7.2.10 Operational Projects and Staffing - Budget Requests

DAS Mobbs spoke to the budget requests and answered trustee questions.

7.2.11 Islands Trust Conservancy (ITC) Board Budget Request

Received for information.

7.2.12 Business Cases Not Advanced

Received for information.

7.2.13 Results of the public consultation process for the proposed Special Tax Requisition 2023/24 budget – BRF

Received for information.

7.2.14 Salt Spring Island Local Trust Committee (SSI LTC) Special Tax Requisition Request – RFD

Director of Planning Services (DPS) Cermak addressed the request for decision as presented.

Discussion ensued that not all islands taxed in the Salt Spring Island Local Trust Area receive benefit from this special tax requisition.

The meeting recessed for lunch at 12:10 p.m. and reconvened at 1:00 p.m.

8. PLANNING SERVICES

Chair Luckham reconvened the meeting and welcomed all back.

8.1 Consent Agenda Items

Items 8.1.1. and 8.1.3 were pulled for discussion as noted.

By general consent, Islands Trust Council adopted the recommendations as presented in items 8.1.1. to 8.1.3.

8.1.1 Director of Planning Services Report

Director of Planning Services (DPS) Cermak answered questions regarding 1) the new CityView software for planning and referral tracking and, 2) groundwater assessment and recharge mapping.

Received for information.

8.1.2 Regional Planning Committee Work Program Report

That Trust Council approve the report as presented.

8.1.3 Bylaw Enforcement Statistical Reports - Briefing

Bylaw Compliance and Enforcement Manager, Dingman answered trustee questions regarding the statistical reporting in the briefing.

Received for information.

8.2 Discussion / Decision Items

8.2.1 Bylaw Enforcement Policies and Practices Overview - Session Outline

Director of Planning Services (DPS) Cermak introduced the session and welcomed Matthew Jackson, Policy Analyst, Ministry of Attorney General's Office who shared a PowerPoint titled "Bylaw Notice Program" and answered trustee questions following the presentation.

Sara Darling and Jennifer Jones from the Office of the Ombudsperson shared a PowerPoint titled "The Office of the Ombudsperson: Administrative Fairness and Bylaw Complaints".

Both PowerPoint presentations were made available in the merged agenda package.

A question and answer session followed.

8.2.2 Bylaw Enforcement Policy and Practices Overview – Briefing

Received for information.

Trustee Dodds left the meeting at 2:28 p.m.

The meeting recessed for a break at 3:00 p.m. and reconvened at 3:15 p.m.

Discussion continued regarding bylaw enforcement practices and policies. Staff answered trustees' questions.

TC-2023-009

It was Moved by Trustee Bernardo and Seconded by Trustee Borthwick,
THAT the Director of Planning Services request the Office of the Ombudsperson to undertake a comprehensive review of the enforcement related policies and practices of the Islands Trust, and recommend such improvements and changes to them as may be required to bring the policies and practices into conformity with best practices for local government by law enforcement.

CARRIED

By general consent, Trust Council continued with discussion and considered amendments to the draft budget as presented.

TC-2023-010

It was Moved by Trustee Morrison and Seconded by Trustee Evans,
That Trust Council direct staff to specify that the Legislative Services, Meeting Administrator position be named as temporary for one year.

14 in favour

11 opposed

CARRIED

TC-2023-011

It was Moved by Trustee Morrison and Seconded by Trustee Boland,
That Trust Council direct staff to specify that the Administration, Administrative Coordinator position be named as temporary for one year.

12 in favour

13 opposed

DEFEATED

TC-2023-012

It was Moved by Trustee Evans and Seconded by Trustee Bernardo,
That Trust Council reduce the proposed Policy Statement Amendment Project budget from \$50k to \$30k in recognition of the fact that Executive Committee has proposed a project charter that has shifted public engagement to the 2024/25 fiscal year.

CARRIED

TC-2023-013

It was Moved by Trustee Yates and Seconded by Trustee Maberley,
That Trust Council put back in to the budget for the 2023/24 year, \$27,500 for the June Trust Council meeting.

CARRIED

TC-2023-014

It was Moved by Trustee Yates and Seconded by Trustee Maberley,

That the 2023/24 Trust Council meetings be held in-person at the following locations: June – Gabriola; September -1. The Penders or 2.Keats/Barnabas; December – Victoria; March (2024) - Salt Spring.

CARRIED

TC-2023-015

It was Moved by Trustee Peterson and Seconded by Trustee Yates,

THAT the Islands Trust Council include a special property tax requisition for the Salt Spring Island Local Trust Area in the amount of \$43,500 in its 2023/24 annual budget, to fund additional operations of the Salt Spring Island Local Trust Committee (LTC) in accordance with the additional powers granted to it under Bylaw 154 related to preserving and protecting the quality and quantity of water resources within the Salt Spring Island Local Trust Area.

TC-2023-016

It was Moved by Trustee Middleton and Seconded by Trustee Maberley,

That the above motion (**TC-2023-015**) be modified from \$43,500 to \$22,000.

4 in favour

16 opposed

DEFEATED

Chair Luckham called the question on **TC-2023-015** as presented.

]

It was Moved by Trustee Peterson and Seconded by Trustee Yates,

THAT the Islands Trust Council include a special property tax requisition for the Salt Spring Island Local Trust Area in the amount of \$43,500 in its 2023/24 annual budget, to fund additional operations of the Salt Spring Island Local Trust Committee (LTC) in accordance with the additional powers granted to it under Bylaw 154 related to preserving and protecting the quality and quantity of water resources within the Salt Spring Island Local Trust Area.

14 in favour

8 opposed

CARRIED

By general consent, the meeting adjourned at 5:36 p.m.

Trustee Scott’s video, “The Silver Highway” regarding the herring season in the Salish Sea was shown.

Thursday, March 9, 2023

Chair Luckham reconvened the meeting at 9:00 a.m. and acknowledged the meeting was being held on the Coast Salish territory Peoples of the Snuneymuxw First Nation.

Trustees Allen and Scott sent regrets. There were 24 trustees present.

It was noted there were 130 livestream views of the meeting on March 9, 2023.

9. CLOSED MEETING

At 9:02 a.m., the meeting was closed to the public.

TC-2023-017

It was Moved by Municipal Trustee Fast and Seconded by Trustee Yates,

That the meeting be closed to the public subject to Sections 90(1)(c)(g) and (i) of the Community Charter in order to consider matters related to employee relations, litigation affecting the Islands Trust and receipt of advice that is subject to solicitor-client privilege and that staff attend the meeting.

CARRIED

At 11:00 a.m. the meeting was reopened to the public. There was a 15-minute break. The meeting reconvened at 11:15 a.m.

10. RISE AND REPORT

Chair Luckham reported that the minutes of the September Trust Council closed meeting were adopted as presented.

By general consent, items under 5.2 were addressed next.

5.2 Discussion / Decision Items

5.2.1 Draft Revised Policy Statement Amendment Project Charter v6 - RFD

DTAS Frater spoke to the request for decision.

TC-2023-018

It was Moved by Trustee Morrison and Seconded by Municipal Trustee Fast,

That Trust Council approve Policy Statement Amendment Project Charter v6.

CARRIED

Discussion followed on timeline, communications, public engagement and holding special purpose meeting to further consider the draft Policy Statement.

5.2.2 Reconciliation Learning Group – RFD

Director of Trust Area Services (DTAS) Frater spoke to the request for decision (RFD).

TC-2023-019

It was Moved by Trustee Elliott and Seconded by Trustee Morrison,

That a reconciliation learning group be initiated comprised of trustees who indicate interest; and that a learning plan be developed and implemented through monthly, virtual meetings.

CARRIED

- 5.2.3 Recommended Islands Trust Council Representative and Alternate Attendee for DFO Shellfish Aquaculture Management Advisory Committee – RFD

TC-2023-020

It was Moved by Trustee Peterson and Seconded by Trustee Morrison,

That Trust Council recommend to Fisheries and Oceans Canada (DFO) that Trustee Lironi be appointed as Trust Council's representative to the DFO Shellfish Aquaculture Management Advisory Committee and that Trustee Graham be identified as the alternate attendee.

CARRIED

11. DISPOSITION OF DELEGATIONS

Re: Item 6.1.5 Riane da Silva re: How the Islands Trust and Bylaw Enforcement Violate the Human Right to Housing

Discussion ensued regarding whether the delegate is referring to a higher law that Islands Trust needs to be aware of.

TC-2023-021

It was Moved by Trustee Graham and Seconded by Trustee Morrison,

That Trust Council request Staff to seek a legal opinion regarding the Islands Trust's obligations to uphold collective and individual rights to housing.

CARRIED

Re: Item 6.1.3 David Dunnison re: Valid Invalid Information

Trustees offered the following statements for discussion which were projected onscreen:

- That the Executive Committee consult legal counsel with respect to the assertions made by David Dunnison to Trust Council on March 7, 2023, and also in the written materials he provided in support of his presentation, and obtain counsel's opinion concerning Trust Council's potential legal liability, if any, arising from any inaccurate scientific claims made on the Island Trust website.
- That Trust Council request staff to review language on the website and in publications regarding the Coastal Douglas-fir zone and amend as appropriate, with advice from provincial forest ecologists as needed.

- That Trust Council request the Executive Committee to arrange a presentation for trustees by provincial forest ecologists to provide background on forest classifications, forest health, and the significance of forests in the Islands Trust Area.
- That Trust Council direct staff to continue their work with David Dunnison pending his agreement, and to expand the scope of work to, validating the range and extent of the CDF zone and “species at risk” data on IT website and promotional data. Using (Del Meidinger, Will Mackenzie and Bob Green) the provincial experts David Dunnison cited in his Delegation Tuesday, March 7th as the final authority on the CDF zone range and extend to be presented to Trust Council (TC) for review prior to two weeks before September Trust Council meeting.

Comments regarding potential legal action against the Islands Trust ensued.

At 12:53 p.m., the meeting was closed to the public.

TC-2023-022

It was Moved by Trustee Morrison and Seconded by Trustee Bernardo,

That the Islands Trust Council close this meeting to the public subject to Section 90(1)(g) of the Community Charter in order to consider matters related to litigation or potential litigation affecting the municipality and that staff attend the meeting.

CARRIED

At 1:34 p.m. the meeting was reopened to the public.

By general consent, item 13. Bylaws for Approval was addressed next.

13. BYLAWS FOR APPROVAL

Director of Administrative Services (DAS) Mobbs presented to Trust Council, the draft budget as revised. The documents were circulated to trustees and added to the agenda package as 13.1.1 Revised.

13.1 Financial Plan Bylaw No. 191 – RFD (request for decision)

TC-2023-023

It was Moved by Trustee Bernardo and Seconded by Trustee Peterson,

That Islands Trust Council Bylaw 191, cited as the “Financial Plan Bylaw 2023-2024”, be Read a First Time.

CARRIED

TC-2023-024

It was Moved by Trustee Bernardo and Seconded by Trustee Gedye,

That Islands Trust Council Bylaw 191, cited as the “Financial Plan Bylaw 2023-2024”, be Read a Second Time.

CARRIED

TC-2023-025

It was Moved by Trustee Bernardo and Seconded by Trustee Fast,

That Islands Trust Council Bylaw 191, cited as the “Financial Plan Bylaw 2023-2024”, be Read a Third Time.

CARRIED

TC-2023-026

It was Moved by Trustee Bernardo and Seconded by Trustee Campbell,

That Islands Trust Council Bylaw 191, cited as the “Financial Plan Bylaw 2023-2024”, be forwarded to the Minister of Municipal Affairs for approval consideration.

CARRIED

13.2 Revenue Anticipation Borrowing Bylaw No. 192 – RFD

DAS Mobbs spoke to the request for decision (RFD) as presented.

TC-2023-027

It was Moved by Trustee Middleton and Seconded by Municipal Trustee Fast,

That Islands Trust Council Bylaw 192, cited as the “Revenue Anticipation Borrowing Bylaw 2023-2024”, be Read a First Time.

CARRIED

TC-2023-028

It was Moved by Trustee Morrison and Seconded by Municipal Trustee Fast,

That Islands Trust Council Bylaw 192, cited as the “Revenue Anticipation Borrowing Bylaw 2023-2024”, be Read a Second Time.

CARRIED

TC-2023-029

It was Moved by Trustee Middleton and Seconded by Trustee Stamford,

That Islands Trust Council Bylaw 192, cited as the “Revenue Anticipation Borrowing Bylaw 2023-2024”, be Read a Third Time.

CARRIED

TC-2023-030

It was Moved by Trustee Fast and Seconded by Municipal Trustee Fast,

That Islands Trust Council Bylaw 192, cited as the “Revenue Anticipation Borrowing Bylaw 2023-2024”, be forwarded to the Minister of Municipal Affairs for approval consideration.

CARRIED

By general consent, Trust Council continued with unfinished business under item 11.

11. DISPOSITION OF DELEGATIONS

Re: Item 6.1.2: Raincoast Conservation Foundation re: Adopt Goals in Montreal Pledge.

TC-2023-031

It was Moved by Trustee Morrison and Seconded by Trustee Yates,

That the Trust Council direct the Regional Planning Committee and the Trust Programs Committee to consider how the Montreal Charter on Biodiversity impacts the work of the Islands Trust and share their thinking back with Trust Council in this calendar year.

CARRIED

Re: Item 6.1.3 David Dunnison re: Valid Invalid Information

TC-2023-032

It was Moved by Trustee Stamford and Seconded by Trustee Bernardo,

That Trust Council request staff to review language on the website and other publications regarding the Coastal Douglas-fir zone and associated ecosystems and amend as appropriate, with advice from qualified provincial forest ecologists as needed.

TC-2023-033

It was Moved by Trustee Harris and Seconded by Trustee Evans,

Amend the above motion **TC-2023-032**, after “qualified provincial forest ecologists” add “including Will MacKenzie provincial custodian of the Biogeoclimatic Ecosystem Classification (BEC) system.” and remove “as needed.”

CARRIED

TC-2023-032 as amended by TC-2023-033

That Trust Council request staff to review language on the website and in publications regarding the Coastal Douglas-fir zone and associated ecosystems and amend as appropriate, with advice from qualified provincial forest ecologists, including Will MacKenzie provincial custodian of the Biogeoclimatic Ecosystem Classification (BEC) system.

CARRIED

TC-2023-034

It was Moved by Trustee Stamford and Seconded by Trustee Boland,

That Trust Council request the Executive Committee to arrange a presentation for trustees by qualified provincial forest ecologists to provide background on forest classifications, forest health, and the significance of forests in the Islands Trust Area as soon as conveniently possible.

TC-2023-035

It was Moved by Trustee Harris and Seconded by Trustee Morrison,

Amend the above motion **TC-2023-034**, add “including Will MacKenzie,” after “qualified provincial forest ecologists...”.

10 in favour

14 opposed

DEFEATED

Chair Luckham called the question on **TC-2023-034** as presented.

It was Moved by Trustee Stamford and Seconded by Trustee Boland,

That Trust Council request the Executive Committee to arrange a presentation for trustees by qualified provincial forest ecologists to provide background on forest classifications, forest health, and the significance of forests in the Islands Trust Area as soon as conveniently possible.

10 in favour

14 opposed

DEFEATED

TC-2023-036

It was Moved by Trustee Stamford and Seconded by Trustee Morrison,

That Trust Council refer the educational opportunity around the Coastal Douglas-fir zone and forest discussions to Trust Programs Committee for further consideration as an educational opportunity.

(See resolution TC-2023-034).

CARRIED

12. CORRESPONDENCE

12.1 Harlene Holm response to Freshwater Sustainability Report letter received February 14, 2023

TC-2023-037

It was Moved by Trustee Patrick and Seconded by Trustee Yates,

That correspondence item 12.1 “Harlene Holm response to Freshwater Sustainability Report letter received February 14, 2023” be referred to the Regional Planning Committee.

CARRIED

12.2 Mielle Chandler letter to Trust Council dated February 14, 2023

Director of Planning Services Cermak commented that regarding the Ombudsperson Review, see resolution **TC-2023-009**, that consideration of language as referenced in Mielle Chandler’s letter re: “replacing value-laden words ‘legal/illegal’ and ‘lawful/unlawful’ to describe residents’ land uses—especially our dwellings [with] terms ‘conforming’ and ‘non-conforming’” will be considered with regards to Trustee Boland’s request regarding language review of Bylaw Compliance and Enforcement Policy.

Received for information.

12.3 R. Schuster re: Report “Carbon and Biodiversity Mapping and Assessment for the Islands Trust Area” from 2014 letter dated February 28, 2023

Received for information.

12.4 D. Rogers re: Correspondence to Trustees letter dated March 6, 2023

Received for information.

12.5 McKechnie & Elkington re: NAV CAN Flight Path letter dated March 6 2023

Received for information.

12.6 E. Dishoeck re: Flight path changes proposed by NAV CAN letter dated March 6, 2023

Received for information.

14. NEW BUSINESS

14.1 Tree Cutting Advocacy - Rescind September 2020 Request to the Province - Trustee RFD

Trustee Harris spoke to his trustee request for decision (RFD) as presented. He spoke to education of different techniques of sustainable forestry and the impacts to communities.

TC-2023-038

It was Moved by Trustee Harris and Seconded by Trustee Morrison,

That Islands Trust Council request the Chair to promptly inform the Province that it no longer wishes to proceed with its request that the Province enhance the Trust's jurisdiction over tree cutting bylaws to make its jurisdiction equal to that of municipalities under section 8 of the Community Charter, and also request staff to remove the task from Trust Council's follow-up action list.

TC-2023-039

It was Moved by Trustee Elliott and Seconded by Trustee Maberley,

That the above motion **TC-2023-038** be severed after "Community Charter" and two separate motions be presented for consideration by Trust Council.

9 in favour
11 opposed
DEFEATED

Chair Luckham called the question on **TC-2023-038** as presented.

17 in favour
6 opposed
CARRIED

14.2 Suspend Proactive Bylaw Enforcement - Notice of Motion

14.2.1 An Independent Review of Islands Trust Bylaw Enforcement Practices – RFD

This item was put on hold pending information to be brought back from the action requested in motion TC-2023-009.

15. TRUSTEE UPDATES

15.1 First Nations Relations - None

15.2 Freighter Anchorages/Oceans Protection Plan (OPP) Update

15.2.1 Trustee Lironi - Oceans Protection Plan Update

Received for information.

15.2.2 Trustee Campbell - Oceans Protection Plan Update

Received for information.

15.3 Salt Spring Island Watershed Protection Alliance (SSIWPA) - None

15.4 Southern Gulf Islands Forum

It was noted that electronic meetings have been held and with an in-person meeting scheduled in April.

15.5 Átl'ka7tsem/Howe Sound Biosphere Region

A forum is scheduled to be held in April.

15.6 Baynes Sound/Lambert Channel Ecosystem Forum - None

15.7 BC Ferries Advisory Committees - None

16. PRIORITIES CHART

Received for information.

17. STRATEGIC PLAN AMENDMENTS - None

18. PROPOSED JUNE TRUST COUNCIL PROGRAM

The meeting was approved to be held in-person.

19. NEXT MEETING

The next Trust Council meeting is scheduled to be held in person June 27-29, 2023, at The Haven on Gabriola Island.

20. ADJOURNMENT

By general consent, at 2:55 p.m. the meeting was adjourned.

Peter Luckham, Chair

Certified Correct

Lori Foster, Executive Coordinator/Recorder